

LOS ANGELES CENTURY CITY IRVINE

NEWPORT BEACH NEW YORK

SAN FRANCISCO

October 22, 2003

Marlene H. Dortch

445 12th Street, SW

Washington, DC 20554

Federal Communications Commission

Secretary

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FEDERAL COMMUNICATIONS COMMISSION knewman@omm.com OFFICE OF THE SECRETARY

WC Docket No. 02-359 Re:

Dear Ms. Dortch:

Enclosed for filing in the above-captioned proceeding are an original and four copies of the Surrebuttal Testimony of Verizon Virginia Inc. In addition, we are enclosing eight copies for the arbitrator. Thank you

Sincerely,

of O'Melvery & Myers LLP

cc Stephen T Perkins

Martin W. Clift, Jr.

Richard U. Stubbs

Ms. Terri Natolı

Mr. Jeremy Miller

Mr. Brad Koerner

Mr. Marcus Maher

Mr. Richard Lerner

Mr. John Adams

Ms. Margaret Dailey

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# VERIZON VIRGINIA INC. SURREBUTTAL TESTIMONY OF LOUIS AGRO UNE-RELATED CHARGES (ISSUE C27) CC DOCKET NO. 02-359 OCTOBER 22, 2003

1 2 3	Q.	ARE THE MEASURES IN THE VIRGINIA PERFORMANCE ASSURANCE PLAN IRRELEVANT TO THE PROVISION OF NEW UNE LOOPS, AS MR. CLIFT CONTENDS AT PAGE 1 OF HIS SURREBUTTAL TESTIMONY?		
4	A.	No. The performance plan includes measures of performance that are specific to the		
5		installation of new UNE Loops. PR-4-03-3113 (Percent of Missed Appt Verizon -		
6		Dispatch - Loop New) measures provisioning performance for new loops that require the		
7		"truck rolls" discussed by Mr. Clift.		
8		The quality of new loop installation is also measured by PR-6-01-3112 (Percent		
9		Installation Troubles Reported Within 30 Days - POTS Loop - UNE), which captures		
10		troubles reported on newly installed loops that Cavalier reports as not working. PR-6-01-		
11		3112 is specific to new UNE Loops and does not include UNE-Platform. Both PR-4-03-		
12		3113 and PR-6-01-3112 trigger payments based on the specific performance provided to		
13		Cavalier in the current Virginia PAP.		
14 15 16	Q.	ARE THE UNE LOOP MEASURES IN THE VIRGINIA PAP MISLEADING, AS MR. CLIFT CLAIMS AT PAGES 1-2 OF HIS SURREBUTTAL TESTIMONY, BECAUSE THEY MIX UNE LOOP AND UNE PLATFORM RESULTS?		
17	A.	No. Mr. Clift focuses on the PAP as it existed before this year's changes. As noted in		
18		my rebuttal testimony, in May of this year, the Virginia SCC modified the PAP so that it		
19		measures UNE-Loop and UNE-Platform performance separately. The following		
20		measures are calculated separately by product for UNE Loop, UNE-Platform, 2-Wire		
21		Digital and 2-Wire DSL in the current Plan.		
22 23 24 25 26		<ul> <li>PR-4-04, Percent Missed Appointments – Dispatch - Loop         UNE-Loop - New PR-4-04-3113         UNE Platform PR-4-04-3140         2 Wire Digital PR-4-04-3341         2 Wire DSL PR-4-14-3342 (Percent Completed On-Time)</li> </ul>		

UNE-Loop   PR-6-01-3112	1		<ul> <li>PR-6-01, Percent Insta</li> </ul>	allation Troubles Within 30 days;		
UNE Platform PR-6-01-3121 2 Wire Digital PR-6-01-3341 5 2 Wire DSL PR-6-01-3342 6 • MR-3-01, Percent Missed Repair Appointments 7 UNE-Loop MR-3-01-3550 8 UNE Platform MR-3-01-3144 and MR-3-01-3145 2 Wire Digital MR-3-01-3341 10 • MR-4-02, Average Delay Days 11 • MR-4-02, Average Delay Days 12 UNE-Loop MR-4-02-3550 13 UNE Platform MR-4-02-3144 and MR-4-02-3145 14 2 Wire Digital MR-4-02-3144 15 2 Wire Digital MR-4-02-3341 16 • MR-4-08, Percent Lines Out of Service for More than 24 Hours 17 UNE-Loop MR-4-08-3342 16 • MR-4-08, Percent Lines Out of Service for More than 24 Hours 18 UNE-Loop MR-4-08-3550 UNE Platform MR-4-08-3550 UNE Platform MR-4-08-3342 20 Wire Digital MR-4-08-3341 20 Wire Digital MR-4-08-3342 21 • MR-5-01, Percent Repeat Reports within 30 Days 22 UNE-Loop MR-5-01-3550 UNE Platform MR-5-01-3140 24 Wire Digital MR-5-01-3341 25 UNE Platform MR-5-01-3342 26 Q. ARE THE LACK OF PAYMENTS TO CAVALIER AN "ACID TEST" TO 27 PLAN'S EFFECTIVENESS AS MR. CLIFT CLAIMS ON PAGE 3 OF HIS 28 SURREBUTTAL TESTIMONY? 29 A. No. Cavalier has not received payments under the PAP because Verizon has met 30 benchmark standards set by the Virginia SCC and has provided Cavalier with ger 31 better service than Verizon provides to its own retail customers. For example, in 32 four months of PAP reports (March – June), Verizon's performance on 24 related 33 provisioning and maintenance measures in each month exceeded the benchmark s	2			▼ :		
4 2 Wire Digital PR-6-01-3341 2 Wire DSL PR-6-01-3342  6 • MR-3-01, Percent Missed Repair Appointments UNE-Loop MR-3-01-3550 UNE Platform MR-3-01-3144 and MR-3-01-3145 2 Wire Digital MR-3-01-3341 10 • MR-4-02, Average Delay Days UNE-Loop MR-4-02-3550 UNE Platform MR-4-02-3144 and MR-4-02-3145 12 UNE-Loop MR-4-02-3341 13 UNE-Loop MR-4-02-3341 14 2 Wire DSL MR-4-02-3341 15 UNE-Loop MR-4-02-3342  16 • MR-4-08, Percent Lines Out of Service for More than 24 Hours 17 UNE-Loop MR-4-08-3550 UNE Platform MR-4-08-3342  18 UNE-Loop MR-4-08-3342  19 Wire Digital MR-4-08-3341 2 Wire DSL MR-4-08-3341 2 Wire DSL MR-4-08-3342  2 Wire DSL MR-5-01-3550 UNE Platform MR-5-01-3550 UNE Platform MR-5-01-3140 2 Wire DSL MR-5-01-3341 2 Wire DSL MR-5-01-3341 2 Wire DSL MR-5-01-3341 2 Wire DSL MR-5-01-3341 2 Wire DSL MR-5-01-3342  4 OR ARE THE LACK OF PAYMENTS TO CAVALIER AN "ACID TEST" TO PLAN'S EFFECTIVENESS AS MR. CLIFT CLAIMS ON PAGE 3 OF HIS SURREBUTTAL TESTIMONY?  A. No. Cavalier has not received payments under the PAP because Verizon has met benchmark standards set by the Virginia SCC and has provided Cavalier with ger better service than Verizon provides to its own retail customers. For example, in four months of PAP reports (March – June), Verizon's performance on 24 related provisioning and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each month exceeded the benchmark standards and maintenance measures in each mo	3			PR-6-01-3121		
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<ul> <li>MR-4-02, Average Delay Days</li></ul>	9		2 Wire Digital	MR-3-01-3341		
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• MR-5-01, Percent Repeat Reports within 30 Days  UNE-Loop MR-5-01-3550  UNE Platform MR-5-01-3140  2 Wire Digital MR-5-01-3341  2 Wire DSL MR-5-01-3342  2 Wire DSL MR-5-01-3342  2 Wire DSL MR-5-01-3342  ARE THE LACK OF PAYMENTS TO CAVALIER AN "ACID TEST" TO PLAN'S EFFECTIVENESS AS MR. CLIFT CLAIMS ON PAGE 3 OF HIS SURREBUTTAL TESTIMONY?  A. No. Cavalier has not received payments under the PAP because Verizon has met benchmark standards set by the Virginia SCC and has provided Cavalier with ger better service than Verizon provides to its own retail customers. For example, in four months of PAP reports (March – June), Verizon's performance on 24 related provisioning and maintenance measures in each month exceeded the benchmark standards are provisioning and maintenance measures in each month exceeded the benchmark standards are provisioning and maintenance measures in each month exceeded the benchmark standards are provisioning and maintenance measures in each month exceeded the benchmark standards are provisioning and maintenance measures in each month exceeded the benchmark standards are provisioning and maintenance measures in each month exceeded the benchmark standards are provisioning and maintenance measures in each month exceeded the benchmark standards are provisioning and maintenance measures in each month exceeded the benchmark standards are provisioning and maintenance measures in each month exceeded the benchmark standards are provided to the provision of the provisi	19		2 Wire Digital	MR-4-08-3341		
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2 Wire Digital MR-5-01-3341 2 Wire DSL MR-5-01-3342  Q. ARE THE LACK OF PAYMENTS TO CAVALIER AN "ACID TEST" TO PLAN'S EFFECTIVENESS AS MR. CLIFT CLAIMS ON PAGE 3 OF HIS SURREBUTTAL TESTIMONY?  A. No. Cavalier has not received payments under the PAP because Verizon has met benchmark standards set by the Virginia SCC and has provided Cavalier with gen better service than Verizon provides to its own retail customers. For example, in four months of PAP reports (March – June), Verizon's performance on 24 related provisioning and maintenance measures in each month exceeded the benchmark standards.	22		UNE-Loop	MR-5-01-3550		
26 Q. ARE THE LACK OF PAYMENTS TO CAVALIER AN "ACID TEST" TO 27 PLAN'S EFFECTIVENESS AS MR. CLIFT CLAIMS ON PAGE 3 OF HIS 28 SURREBUTTAL TESTIMONY?  29 A. No. Cavalier has not received payments under the PAP because Verizon has met 30 benchmark standards set by the Virginia SCC and has provided Cavalier with gen 31 better service than Verizon provides to its own retail customers. For example, in 32 four months of PAP reports (March – June), Verizon's performance on 24 related 33 provisioning and maintenance measures in each month exceeded the benchmark s	23		UNE Platform	MR-5-01-3140		
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SURREBUTTAL TESTIMONY?  29 A. No. Cavalier has not received payments under the PAP because Verizon has met 30 benchmark standards set by the Virginia SCC and has provided Cavalier with gen 31 better service than Verizon provides to its own retail customers. For example, in 32 four months of PAP reports (March – June), Verizon's performance on 24 related 33 provisioning and maintenance measures in each month exceeded the benchmark s	26	Q.				
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provisioning and maintenance measures in each month exceeded the benchmark s	31		better service than Verizon provides to its own retail customers. For example, in the last			
	32		four months of PAP reports (March - June), Verizon's performance on 24 related Loop			
More specifically, Verizon provided better service to Cavalier than to its own reta	33		provisioning and maintenance me	easures in each month exceeded the benchmark standard.		
	34		More specifically, Verizon provide	led better service to Cavalier than to its own retail		

customers in 82 of the 96 instances. In another 12 instances, the differences in service

provided to Cavalier as opposed to Verizon's retail customers were statistically

insignificant. Only in the remaining two instances did Cavalier customers receive

statistically worse service than Verizon's own retail customers. While these two

instances did not trigger payments under the old PAP, they would trigger payments under

the Virginia SCC's newly ordered PAP that went into effect in July.

# 7 Q. DOES THIS CONCLUDE YOUR SURREBUTTAL TESTIMONY?

8 A. Yes.

1	Declaration of Louis F. Agro		
3	I declare under penalty of perjury that I have reviewed the foregoing testimony and that those		
4	sections as to which I testified are true and correct.		
5	- -		
6			
7			
8	Jours J. Ages		
9	Jour J. ager		
10	Louis F. Agro		
11			

# Before The FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Petition of Cavalier Telephone, LLC	)	
Pursuant to Section 252(e)(5) of the	)	WC Docket No. 02-359
Communications Act for Preemption	)	
of the Jurisdiction of the Virginia State	)	
Corporation Commission Regarding	)	
Interconnection Disputes with Verizon	)	
Virginia, Inc. and for Arbitration	)	

## CERTIFICATE OF SERVICE

I certify that on the 22nd day of October, 2003, the Surrebuttal Testimony of Verizon Virginia, Inc. in the above-captioned proceeding was served on the following parties:

# Via Overnight Delivery and Electronic Mail:

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John J. Lund